

Remarks

The Examiner has indicated non-consideration of the information disclosure statement filed February 15th, 2006 since an appropriate list of prior art was not included in the information disclosure statement. In response thereto, the Examiner's attention is referred to the portion of the image file of the instant application and the IDS was well as NPL documents, dated February 15th, 2006, copies of which are enclosed. As clearly seen, the Information Disclosure Statement filed does indeed include a list equivalent to PTO form 1449, as required. Moreover, a research report and translation thereof as well as all references are present in the file. The USPTO is respectfully requested to consider these references in the next Office Action and to acknowledge this consideration in the usual manner.

The abstract has been objected to for use of legal terminology which has been corrected in the instant amendment.

Claim 18 has been objected to for an informality which has been corrected in the instant amendment and claims 19, 22 through 24 and 27 have been rejected under 35 USC 112 second paragraph as being indefinite for including multiple recitations. In response to this 35 USC 112 rejection, appropriate changes have been made in the subject claims. Review and acceptance is requested.

Claims 18, 20 through 21, 25, 26 and 28 through 34 stand rejected under 35 USC 102(e) as being anticipated by Datta '514.

In response to these rejections, the Applicant has amended claim 18 to more clearly recite the structure of the intended breaking lines. The Applicant submits the independent claim of record to be distinguished from the prior art of Datta for the following reasons. Although Datta does indeed disclose passive bonds 70 which can be separable, these passive bonds do not read on the intended breaking locations of the instant invention, since, as clearly defined in the claim, they are not disposed on the main diaper portion, rather on the attachment tabs or ears which project out past and away from the main diaper portion and which are used to fasten the diaper. Nor do the intended breaking lines or passive bonds of Datta extend to the crotch region, rather are limited to the attachment ears disposed in the upper portion of the diaper. Moreover, the modified claim language specifies that the intended breaking lines define and delimit a middle section which is folded away upon opening of the intended breaking locations to expose an incontinent region of the user. This limitation is clearly not met by the Datta reference, since, following separation of the passive bonds of Datta, the diaper continues to remain closely bonded to the user and is not freed such that the front portion or back portion can be folded away from an incontinent region of the user, rather simply serves the function of improving fit.

The Applicant submits that the invention as recited in independent claim 18 is clearly distinguished from the prior art of record. The dependent claims of record inherit the limitations of the base claim and are therefore also allowable. The Applicant therefore requests reconsideration on the part of the US PTO and passage to issuance.

No new matter has been added in this amendment.

10

Respectfully submitted,

Paul Vincent

Dr. Paul Vincent

Registration number 37,461

December 18, 2005

Date

Enclosures:

**Image File Portion "NPL Documents"
and IDS of February 15, 2005 (10 sheets)
USPTO Image File Listing (1 sheet)**

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55/568462

DEC 19 2006 IAP20 RECEIVED PCTO 15 FEB 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ROEHRL, Wolfgang et al.) Examiner:
PCT Application No.:	PCT/EP2004/008219) unknown
PCT Filing Date:	July 23, 2004) Art Unit:
For:	DISPOSABLE DIAPER (AS AMENDED)) unknown
)

Atty. Docket No.: 1703 1491US

MAIL STOP PCT
Commissioner for Patents
Alexandria, VA 22313-1450
U.S.A.

INFORMATION DISCLOSURE STATEMENT

The Examiner is referred to the List of Prior Art (Form PTO-1449A). A search report in priority application DE 103 38 607.6 is also enclosed.

The applicant assumes that, in accordance with MPEP 1893.03(g), copies of the PCT search document and cited prior art have been forwarded to the USPTO by the European Patent Office. If this is not the case, applicant requests notification of same.

18-12-2006 15:17

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February 13, 2006

Date

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Enclosures:

PTO-Form 1449 (3 pages)
DE Search Report and Translation of relevant portions thereof
Non-PCT References which are not US Patents or Publications

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T-705 P.015/023 F-805

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Substitute for Form 1648/P-200			Complete if Known at This Time	
			Application Number	PCT/EP2004/008209
			Filing Date	PCT July 23, 2004
			First Named Inventor	ROBBEL, Wolfgang
			Group Art Unit	
			Examiner Name	
Sheet	1	of	3	Attorney Docket Number 1703 1491US

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	U.S. Patent Document Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		2002/091368		Taylor	07.11.2002
		5 569 229		Rogers	10.29.1996
		6 102 899		Yimin	08.15.2000
		6 605 071		Gray	08.12.2003
		1 695 109		Kosloff	12.11.1928

FOREIGN PATENT DOCUMENTS					
Examiner Cite Initials No.	Foreign Patent Document Office Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	WO	03/007865		Coatas	01.30.2003
	FR	2 585 217		Raynaud	01.30.1987
	DE	197 35 304		Gause	02.22.2001
	DE	197 32 551		Gause	03.08.2001
	DE	198 13 334		Hartmann	09.30.1999
	DE	698 10 953		Carlbank	06.05.2003
	DE	695 10 664		Romare	10.21.1999
	GB	2 277 867		Carlbank	11.16.1994
	GB	2 277 866		Carlbank	11.16.1994
	GB	2 777 865		Carlbank	11.16.1994
	GB	2 242 612		Fahrenkrug	10.09.1991

Examiner Signature	Date Considered
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JAP20 Rec'd PCRYPTO 15 FEB 2006

Substitute for form 1449A/PTO				Complete if Known 107-2004-62	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	PCT/EP2004/008219
(Use as many sheets as necessary)				Filing Date	PCT July 23, 2004
				First Named Inventor	ROKAWL, Wolfgang
				Group Art Unit	
				Examiner Name	
Sheet	2	of	3	Attorney Docket Number	1703 1491US

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	U.S. Patent Document Number	Kind Code	Name of Patentee or Applicant or Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		6 616 648		Hakansson	09.09.2003
		6 540 731		Magnusson	04.01.2003
		6 500 163		Roennborg	12.31.2002
		6 494 873		Karlsson	12.17.2002
		5 906 604		Roennborg	05.25.1999
		5 876 395		Hart	03.02.1999

Examiner Signature		Date Considered	
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IAP20 Rec'd PCT/PTO 15 FEB 2006

Substitute for form 1469A/PTO				Complaint No. 10/1649462
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number PCT/EP2004/008219
				Filing Date PCN July 36, 2004
				First Named Inventor ROKHRL, Wolfgang
				Group Art. Unit _____
				Examiner Name _____
Sheet	3	of	3	Attorney Docket Number 1703 1491US

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent Document Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passage or Relevant Figure Appear
		6 413 249		Turi	07.02.2002	
		6 342 050		Roennbarg	01.29.2002	
		2003/0144643		Jarpenberg	07.31.2003	
		2003/0083634		Farnfors	05.01.2003	
		2003/0069558		Almberg	04.10.2003	
		2003/0060795		Almberg	03.27.2003	
		2003/0032934		Ronnberg	02.13.2003	
		2003/0018316		Knsibojeska	01.23.2003	

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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Telefon: (0 89) 2185 2516

Anmelder/Inhaber: Paul Hartmann AG

Ihr Zeichen: 17031347

Ihr Antrag vom: 26.08.2003
auf Recherche gemäß §43 PatentgesetzBitte Aktenzeichen und Anmelder/Inhaber bei
allen Eingaben und Zahlungen angeben

Aktenzeichen: 103 38 607.8

Eingegangen

22. April 2004

Dreiss Patentanwälte

Recherchebericht**A. Klassifizierung des Anmeldegegenstandes nach der Internationalen Patentklassifikation (IPC)**

IPC 07
 A 61 F 13/49
 A 61 F 13/56

B. Recherchierte Gebiete

Klasse/Gruppe
 A 61 F 13/49

Prüfer
 DR. BEATE ZIMMER

Patentabteilung
 46

A 61 F 13/64

Die Recherche im Deutschen Patent- und Markenamt stützt sich auf die Patentliteratur folgender Länder und Organisationen:

Deutschland (DE,DD), Österreich, Schweiz, Frankreich, Großbritannien, USA, Japan (Abstracts), vormalige UdSSR (Abstracts), Europäisches Patentamt, WIPO.

Recherchiert wurde in folgenden Datenbanken:

Name der Datenbank und des Hosts

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C. Ergebnis der Druckschriftenermittlung

Kat.	Ermittelte Druckschriften	Erläuterungen	Betr. Ansprüche	IPC / Fundstellen
A	DE 197 35 304 C2			A 61 F 13/64
A	DE 197 32 551 C2			A 61 F 13/64
Y	DE 198 13 334 A1		1	A 61 F 13/64
A	DE 698 10 953 T2			A 61 F 13/64
Y	DE 695 10 664 T2		1	A 61 F 13/64
A	GB 22 77 867 A			A 61 F 13/64

Dokumentennennnahme und Nachverfolgaktionen für Zweibrückenstraße 12	Hauptgeschäftsstelle: Zweibrückenstraße 12 Zweibrückenstraße 5-7 (Bredderhof) Ankunftsbestätigung: Codenr.: 64 61034 München	Neubauabschluß (für Freizeit: Deutsches Patent- und Markenamt Zweibrückenstraße 12 80331 München)	Telefon: (0 89) 2185 0 Telefax: (0 89) 2185 0221 Internet: http://www.dpma.de	Jahresabschlußbericht: Hauptgeschäftsstelle: Blick ins Dreieck Kod-Nr.: 700 010 54 BLZ: 700 000 00 BIC (SWIFT-Code): MAPADEF1700 IBAN: DE24 7000 0000 0070 0010 54
Zugangsabschluß im	Zweibrückenstraße 12 (Hauptgeschäftsstelle);	Codenummer:		

80/568462
IAP20 Rec'd FEB 15 2006

Kat.	Ermittelte Druckschriften	Erläuterungen	Betr. Ansprüche	IPC / Fundstellen
A	GB 22 77 866 A			A 61 F 13/64
A	GB 22 77 865 A			A 61 F 13/64
A	GB 22 42 612 A			A 61 P 13/64
A	US 66 16 648 B2			A 61 P 13/64
A	US 65 40 731 B2			A 61 P 13/64
A	US 65 00 163 B2			A 61 P 13/64
A	US 64 94 873 B2			A 61 P 13/64
A	US2003/01 44 643 A1			A 61 P 13/64
A	US2003/00 83 634 A1			A 61 P 13/64
A	US2003/00 69 558 A1			A 61 P 13/64
A	US2003/00 60 795 A1			A 61 P 13/64
A	US2003/00 32 934 A1			A 61 P 13/64
A	US2003/00 18 316 A1			A 61 P 13/64
A	US 59 06 604 A			A 61 P 13/64
A	US 58 76 395 A			A 61 P 13/64
A	US 64 13 249 B1			A 61 P 13/64
A	US 61 42 050 B1			A 61 P 13/64
A	EP 11 42 547 A1			A 61 P 13/64
A	EP 09 47 186 A2			A 61 P 13/64
A	EP 02 87 388 A2			A 61 P 13/64

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Die Recherche kann sich auf den vom Anmelder/von der Anmelderin selbstgenannten Stand der Technik nicht erstrecken, der dem Deutschen Patent- und Markenamt nicht vorliegt. Wenn beabsichtigt ist, einen Prüfungsantrag nach § 44 PatG zu stellen, wird der Anmelder//die Anmelderin aufgefordert, diese Literatur in Kopie zur Prüfungssakte zu reichen.

E. Datum des Abschlusses der Recherche 05.04.2004

Vollständigkeit der Ermittlung:

Eine Gewähr für die Vollständigkeit der Ermittlung der einschlägigen Druckschriften und für die Richtigkeit der angegebenen Kategorien wird nicht geleistet (§43 Abs. 7 Satz 1 Patentgesetz bzw. §7 Abs. 2 Gebrauchsmustergesetz LV.m. §43 Abs. 7 Satz 1 Patentgesetz).

Absendedatum des Rechercheberichtes

Anlagen: 26

Patentabteilung 1.11
Rechercheleitstelle



10/568462

(AUSGABEZEIT: 15 FEB 2006)

Erläuterungen zu Abschnitt C. Ergebnis der Druckschriftenermittlung**Spalte: Kat(egorie)**

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- X: Druckschriften, die Neuheit oder das Vorliegen einer erfinderischen Tätigkeit (§ 43 PatG) / eines erfinderischen Schritts (§ 7 GebrMG) allein in Frage stellen
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Spalte: Erläuterungen

Die im Rechercheverfahren angegebenen Erläuterungen und relevanten Stellen sind in dieser Spalte von der zitierten Druckschrift getrennt angegeben. Die verwendeten Abkürzungen und Symbole bei Nennung einer Druckschrift bedeuten:

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= Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen („Patentfamilien“) oder auf die sich Referate oder Abstracts beziehen

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Spalte: Betr(offene) Ansprüche

Hier sind die Ansprüche unter Zuordnung zu den in Spalte „Erläuterungen“ genannten Anmerkungen angegeben.

Hinweis zur Patentliteratur:

Die angegebene Patentliteratur kann in den Ausleghallen des Deutschen Patent- und Markenamts, 80331 München, Zweibrückenstraße 12 oder 10969 Berlin, Gitschner Str. 97 eingesehen werden; deutsche Patentschriften, Auslegeschriften oder Offenlegungsschriften und teilweise auch Patentliteratur anderer Länder auch in den Patentinformationszentren. Ein Verzeichnis über diese Patentinformationszentren kann vom Deutschen Patent- und Markenamt sowie von einigen Privatfirmen bezogen werden.

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10/568462**IAP20 Rec'd PC/ATO 15 FEB 2006****C. Results of Publication Search****Application Number
103 38 607.6**

Category		Researched Publication	Remarks	Concerns Claim	IPC/ Location
A	DE	197 35 304 C2			A 61 F 13/64
A	DE	197 32 551 C2			A 61 F 13/64
Y	DE	198 13 334 A1		1	A 61 F 13/64
A	DE	698 10 953 T2			A 61 F 13/64
Y	DE	695 10 664 T2		1	A 61 F 13/64
A	GB	22 77 867 A			A 61 F 13/64
A	GB	22 77 866 A			A 61 F 13/64
A	GB	22 77 865 A			A 61 F 13/64
A	GB	22 42 512 A			A 61 F 13/64
A	US	66 16 648 B2			A 61 F 13/64
A	US	65 40 731 B2			A 61 F 13/64
A	US	65 00 163 B2			A 61 F 13/64
A	US	64 94 873 B2			A 61 F 13/64
A	US2003/01 44 643 A1				A 61 F 13/64
A	US2003/00 83 634 A1				A 61 F 13/64
A	US2003/00 69 558 A1				A 61 F 13/64
A	US2003/00 60 795 A1				A 61 F 13/64
A	US2003/00 32 934 A1				A 61 F 13/64
A	US2003/00 18 316 A1				A 61 F 13/64

A	US	59 06 504 A	A 61 F 13/64
A	US	58 76 395 A	A 61 F 13/64
A	US	64 13 249 B1	A 61 F 13/64
A	US	63 42 050 B1	A 61 F 13/64
A	EP	11 42 547 A1	A 61 F 13/64
A	EP	09 47 186 A2	A 61 F 13/64
A	EP	02 87 388 A2	A 61 F 13/64



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